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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/950,006	09/12/2001	Keith Elliston	24023-013	9121

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APEX DIGITAL SYSTEMS  
ATTEN: MS. GENANNE ZELLER  
8300 COLESVILLE ROAD  
SUITE 400  
SILVER SPRING, MD 20910

EXAMINER

CHEN, SHIN HON

ART UNIT PAPER NUMBER

2131

DATE MAILED: 02/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/950,006	<b>Applicant(s)</b> ELLISTON ET AL.	
	<b>Examiner</b> Shin-Hon Chen	<b>Art Unit</b> 2131	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 02 July 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner *for the 1<sup>st</sup> sentence of the Abstract should be deleted.*
- 10) ☒ The drawing(s) filed on 12 September 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

1. Claims 1-20 have been examined.

***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 10 recites the limitation "the user authentication" in line 1. There is insufficient antecedent basis for this limitation in the claim.
4. Claim 12 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite in that it fails to point out what is included or excluded by the claim language. This claim is an omnibus type claim.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claim 15-20 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by Glynias et al. U.S. Pat. No. 6125383 (hereinafter Glynias).

7. As per claim 15, Glynias discloses a method for providing secure information processing resources at a secure facility controlled by a service provider to a plurality of subscribers, the information processing resources including a plurality of software applications controlled by the service provider and computer system resources, the computer system resources including a plurality of processors and a plurality of computer readable medium devices (Glynias: column 3 lines 7-23), the method comprising: establishing the secure facility controlled by the service provider (Glynias: column 2 line 62 – column 3 line 5); providing secure access to the secure facility over a network for the plurality of subscribers that excludes non-subscribers (Glynias: column 3 lines 7-23), wherein at least one subscriber is located at a remote site controlled by the at least one subscriber (Glynias: column 3 lines 34-36); prompting a particular subscriber among the plurality of subscribers to select a particular software application among the plurality of software applications (Glynias: column 3 lines 34-36); providing an interface that enables the particular subscriber to execute the particular software application using a particular portion of the computer system resources (Glynias: column 6 lines 20-57 and column 19 lines 35-57: control access to the resources); and excluding other subscribers of the plurality of subscribers from the particular portion of the computer system resources being used (Glynias: column 6 lines 20-57 and column 19 lines 35-57: control access to the resources).

8. As per claim 16-20, claims 16-20 encompass the same scope as claims 15. Therefore, claims 17-20 are rejected based on the same reason as set forth in claims 15 and 16.

***Claim Rejections - 35 USC § 103***

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 1-9 and 11-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Glynias in view of Chawla et al. U.S. Pat. No. 6771661 (hereinafter Chawla).

11. As per claim 1, Glynias discloses a business model for research and development remote information technology computing comprising: installing a client computer hardware system in a centrally located facility with other client computer systems (Glynias: column 3 lines 6-23), installing client software onto said computer hardware system (Glynias: column 3 lines 6-23: the client application programs), connecting said computer hardware system to a fast secure network link (Glynias: column 5 lines 53-54: the network adapter), maintaining and supporting said computer hardware system, permitting the client to have secure access to said computer hardware system over a fast secure network link (Glynias: column 2 lines 47-55). Glynias does not explicitly disclose performing nightly backups of data on said computer hardware system. However, Chawla discloses the industry standard is to use high speed Internet and perform nightly backup of data (Chawla: column 1 lines 49-65: perform nightly backup using high speed internet). It would have been obvious to one having ordinary skill in the art to perform nightly backup and high speed Internet for business because it is a industry standard for achieving efficient business method. Therefore, it would have been obvious to one having ordinary skill in

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the art at the time of applicant's invention to combine the teaching of Chawla within the system of Glynias because it is well known in the art to use fast secure link and perform nightly backup on valuable data.

12. As per claim 2, Glynias as modified discloses a business model according to claim 1. Glynias as modified further discloses wherein said client does not have to create his/her own computer room facilities (Glynias: column 2 line 62 – column 3 line 4: providing a secure research environment for researcher in industry).

13. As per claim 3, Glynias discloses a business model according to claim 1. Glynias further discloses wherein said client has a continuously running computer system (Chawla: column 1 lines 15-48).

14. As per claim 4, Glynias discloses a business model according to claim 1. Glynias further discloses wherein the said computer hardware can be selected from the group consisting of a Silicon Graphics Origin 200, Sun computer, Digital Equipment Corporation Alpha Server, and Dell (Glynias: column 4 lines 48-61: multi-platform computers).

15. As per claim 5, Glynias discloses a business model according to claim 1. Glynias further discloses wherein the said computer software and data products can be selected from the group consisting of the University of Wisconsin Genetics Computer Group software, SwissProt, Sequence Retrieval Software (Glynias: column 12 lines 32-44; figure 5 and 7). It would have

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been an obvious matter of design choice to use different bioinformatics software because using the aforementioned software does not solve any specific problem or is for any particular purpose.

16. As per claim 6-9, Glynias discloses a business model according to claim 1. Glynias further discloses wherein the fast network link can be selected from the group of T1, T3, Digital Subscriber Line, Satellite modem, Cable Modem, 56 Kbps modem, ISDN connected to the Internet (Chawla: column 1 lines 35-48).

17. As per claim 11, Glynias as modified discloses a business model according to claim 1. Glynias as modified further discloses wherein the client accesses said computer hardware system selected from the group of NetScape Communicator, Netscape Navigator, Mosaic, and Internet Explorer (Glynias: column 7 line 57 – column 8 line 5).

18. As per claim 12, Glynias as modified discloses a business model according to claim 1. Glynias as modified does not explicitly disclose wherein the client accesses said computer hardware system in a secure fashion using Virtual Private Network client software. However, VPN is well known in the art to secure data communications.

19. As per claim 13, Glynias as modified discloses a business model according to claim 1. Glynias further discloses wherein the thin-client environment for the user is created using Citrix, Inc. Metaframe and Microsoft Windows NT Server Terminal Server Edition (Glynias: column 2 lines 7-23; column 7 lines 53-67).

20. As per claim 14, Glynias as modified discloses a business model according to claim 1. Glynias as modified further discloses wherein the High Performance Computing Systems is chosen from the list consisting of Compugen Bio XL/P Bioaccelerator, Paracel GeneMatcher, Time Logic DeCypher, Cray SVI, IBM mainframe or Beowulf cluster (Glynias: column 7 lines 26-43). It would have been an obvious matter of design choice to use different computing systems because using the aforementioned systems does not solve any specific problem or is for any particular purpose.

21. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Glynias in view of Chawla and further in view of Karamchetty U.S. Pat. No. 6728881 (hereinafter Karamchetty).

22. As per claim 10, Glynias as modified discloses a business model according to claim 1. Glynias as modified further discloses authenticating user before the user can access resources (Glynias: column 11 lines 60-67: authentication). Glynias as modified does not explicitly disclose wherein the user authorization is performed using smart cards, key fobs, fingerprint or iris biometrics, chosen from the list of Security Dynamics Smart card, Tritheim Technologies smart card, Compaq Computer Corporation Fingerprint Reader, Handpunch 2000 Hand Geometry, PC Iris, Iris Scanner, Certicom smart card. However, Karamchetty discloses using biometrics devices and smart cards to authenticate users (Karamchetty: column 1 line 66 – column 2 line 47). It would have been obvious to one having ordinary skill in the art at the time of applicant's invention to use biometrics devices and smart cards to authenticate users because



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they provide a secure method of user identification. Therefore, it would have been obvious to one having ordinary skill in the art at the time of applicant's invention to combine the teachings of Karamchetty within the combination of Glynias-Chawla because they are well known in the art to provide more secure identification.

### ***Conclusion***

23. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Balaban et al. U.S. Pat. No. 6229911 discloses method and apparatus for providing a bioinformatics database.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shin-Hon Chen whose telephone number is (571) 272-3789. The examiner can normally be reached on Monday through Friday 8:30am to 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on (571) 272-3795. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Shin-Hon Chen  
Examiner  
Art Unit 2131

SC

*Eugene J. Lammie*  
*Primary Examiner*